

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

ERICK MONTGOMERY

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NO. 3:20-CR-0300

**DEFENDANT’S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE MOTIONS FOR
DOWNWARD VARIANCE AND/OR DEPARTURE**

COMES NOW ERICK MONTGOMERY, and submits this Unopposed Motion for an Extension of Time to File Motions for Downward Variance and/or Downward Departure, and would show the following:

I.

Motions for Downward Variance and/or Downward Departure are due on June 10, 2021. Undersigned counsel requests an extension of time to sentencing motions to on or before June 15, 2021.

Counsel was in a federal trial in the Eastern District of Texas from May 24, 2021 – June 1, 2021. Counsel was preparing and appeared for oral argument on June 7, 2021, before the United States Court of Appeals for the Fifth Circuit. Counsel has not been able to meet with Mr. Montgomery and would like to go over sentencing motions with Mr. Montgomery before filing them with the Court. Counsel has scheduled jail visit for Tuesday morning, June 15, 2021, with Mr. Montgomery at the Limestone County Jail.

II.

Counsel has conferred with AUSA Joseph Magliolo regarding said motion for an extension of time, and he has no opposition.

III.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this motion for an Extension of Time to File Motions for Downward Variance and/or Downward Departure to on or before June 15, 2021.

Respectfully submitted,

/s/ Kevin B. Ross

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Attorney for Defendant

CERTIFICATE OF CONFERENCE

The undersigned certifies that on the 10th of June 2021, I conferred with AUSA Joseph Magliolo, attorney for the Government, and he stated that the Government has no opposition to the granting of this motion.

/s/ Kevin B. Ross

KEVIN B. ROSS

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Defendant's Motion for Extension of Time to File Motion for Downward Variance and Downward Departure was delivered via electronic means (ECF) to Joseph Magliolo, Assistant United States Attorney, on June 10, 2021.

/s/ Kevin B. Ross

KEVIN B. ROSS